

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

PIERRE MICHEL CADET,
Plaintiff

v.

RAOUL BONBON and
GISLAINE BONBON,
Defendants

CIVIL ACTION NO. 05-10975-PBS

**DEFENDANTS' MEMORANDUM OF LAW
IN SUPPORT OF THEIR MOTION TO DISMISS**

The defendants Raoul and Gislaine Bonbon hereby move to dismiss this action under Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief may be granted. Consequently, this action should be dismissed. Further, in light of this Court's patience with this litigant, dismissal at this point is more than fair.

RELEVANT BACKGROUND

A. Allegations of the Complaint

Acting pro se, the plaintiff Pierre Michel Cadet ("Cadet") filed a Complaint in this matter on May 4, 2005. The Complaint is attached hereto as Exhibit 1. The handwritten complaint, although far from clear, appears to allege that Cadet, while a student at Medford High School, was harassed by the defendants Raoul Bonbon ("Raoul"), his teacher, and Gislaine Bonbon ("Gislaine"), a secretary at the school and the sister of Raoul. In a Memorandum and Order, this Court characterized the plaintiff's allegations as follows:

Plaintiff alleged, inter alia, that he suffered harassment (name-calling, insults, slight batteries) by the defendants, and his course grades were wrongfully lowered by his teacher. More specifically,

Plaintiff claims that his teacher, Mr. Bonbon, also Haitian, acted improperly with respect to all Haitian students at the school, threatening expulsion and exerting power over them, and speaking in Creole notwithstanding school regulations state he is only to speak in English. Plaintiff further alleges that Mr. Bonbon told him and the other students that if they wanted to fight him he would beat and kill them.

With respect to specific allegations as to the wrongful conduct against him, Plaintiff claims that Mr. Bonbon began acting against him in October, 2002, calling him a variety of derogatory names, some in English and others in Creole. Plaintiff alleges this is because he had had a political discussion with Mr. Bonbon and they disagreed about the Haitian President. From that point to the present, Plaintiff claims he was discriminated against and harassed and physically and verbally assaulted by both Defendants. He also claims he was called “Massissi sal,” which translates to “dirty gay.”

Finally, Plaintiff claims that Defendant Raoul Bonbon lowered his grades from A+ or A to lower grades, and that Defendant told him he wanted to change his grades because of his mouth.

Memorandum and Order, September 6, 2005, at 2-3. The Memorandum and Order is attached hereto as Exhibit 2.

The plaintiff’s Complaint does not contain any section setting forth his requested relief. Instead, the following paragraph appears above the plaintiff’s signature:

I would like you to make me find all my grades back and make him to pay a great kernel for each and send him to jail because he call stealer, robber, zinglindoo,¹ put book on my desk to bother me, touching me to call me massissi with pencil pen etc. Please!

The plaintiff filed a Civil Action Cover Sheet which gave no indication of any money damages he seeks. Under “Nature of Suit,” he checked boxes marked “Other Civil Rights,” “Death Penalty,” and “Prison Conditions.” The Civil Action Cover Sheet is attached hereto as Exhibit 3.

¹ “Zinglindoo” is apparently a derogatory term in Creole.

B. The Course of the Litigation

Since the Complaint in this matter was filed, the plaintiff has filed some 20 letters with the clerk's office in this matter. His letters have asked the Court to do various things, including effectuating service of process, writing to various individuals he claims could serve as witnesses, and requiring various parties and individuals to come to Court. This Court, through both Judge Saris and Magistrate Judge Dein, has issued some ten orders denying these requests. As to service of process, this Court extended the time for the plaintiff to effectuate service of process, first to December 31, 2005, then to February 28, 2006, and finally to March 10, 2006. Service was ultimately completed upon both defendants on March 8, 2006.

In the course of issuing its many orders, the Court has admonished the plaintiff several times. On August 31, 2005, Cadet filed a second pro se Complaint against a Mr. Vincent LNU, whom he alleged was an interpreter or translator at Medford High School (Civil Action No. 05-11790-PBS) ("the Vincent case"). In its September 6, 2005 Memorandum and Order, this Court (Saris, J.) denied what it perceived as Cadet's request to add Mr. Vincent LNU as a defendant in the present litigation, dismissed the Vincent case in its entirety, and advised Cadet that he may be sanctioned if he files "frivolous or vexatious Complaints in the future." Following another letter to the pro se intake clerk, this Court issued a Further Memorandum and Order on October 11, 2005. Inter alia, this order requires that Cadet file any request for action by the Court "in the form of a Motion clearly indicating the relief sought and the caption of the case." On October 31, 2005, this Court referred the case to Magistrate Judge Dein for "full pretrial case management, not including dispositive motions."

Finally, the plaintiff has also filed a case against the state Commissioner of Education, as well as an administrator and guidance counselor at Medford High School. See C.A. No. 05-CV-12088-PBS.

ARGUMENT

I. MOTION TO DISMISS STANDARDS

This Court should dismiss the plaintiff's claim if he has failed to "state a claim upon which relief can be granted." Fed. R. Civ. P. 12(b)(6). The Court may grant a motion to dismiss if it is "clear that no relief can be granted under any set of facts that could be proved consistent with the allegations" of the plaintiff's Complaint. Cepero-Rivera v. Fagundo, 414 F.3d 124, 129 (1st Cir. 2005). For purposes of deciding the motion, the Court must assume that the "well-pleaded allegations" of the Complaint are true and must "indulge all reasonable inferences" based upon those allegations. McLaughlin v. Boston Harbor Cruise Lines, 419 F.3d 47, 50 (1st Cir. 2005).

However, the Court should keep in mind the plaintiff's responsibility to draft a complaint which contains "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2); Redondo-Borges v. U.S. Dept. of Housing and Urban Development, 421 F.3d 1, 5 (1st Cir. 2005). The complaint must give a defendant "fair notice of what the plaintiff's claim is and the grounds on which it rests." 421 F.3d at 5.

In considering the plaintiff's complaint, the Court need not credit "bald assertions, unsupportable conclusions, periphrastic circumlocutions, and the like." Id. (citation omitted). A complaint may be dismissed if it "engenders no viable theory of liability." Id.

II. THE PLAINTIFF HAS FAILED TO ALLEGE A DEPRIVATION OF A CONSTITUTIONALLY PROTECTED RIGHT

The plaintiff's Complaint utterly fails to allege any legal theory supporting recovery in this matter. However, on his civil action cover sheet, the plaintiff has checked several boxes, including one which suggests that his suit is a Civil Rights claim. Consequently, defendants will assume that the plaintiff is making a civil rights claim against them under 42 U.S.C. § 1983. In similar circumstances, this Court made a similar assumption in the Vincent case. Memorandum and Order, September 6, 2005 (filed in both No. 05-10975 and the present case).²

In order to state a claim under § 1983, this Court the plaintiff has to show that (1) a person acting under color of state law (2) caused him "to be subjected . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws" of the United States. 42 U.S.C. § 1983; Rumford Pharmacy, Inc. v. City of East Providence, 970 F.2d 996, 998 (1st Cir. 1992); see also Cepero-Rivera, 414 F.3d at 129. The plaintiff has not alleged that the defendants acted under color of state law. Nonetheless, his allegations pertain to performance of the defendants' duties as public school employees. Consequently, for purposes of the present motion, defendants will assume that they could be considered state actors.

However, the plaintiff cannot prove that the defendants deprived him of rights, privileges, or immunities secured by the federal Constitution or federal statutes. Among the Constitutional rights protected in public schools are due process, equal protection, freedom of speech, and freedom from unreasonable searches. See, e.g., Goss v. Lipetz, 419 U.S. 565, 572

² In assuming that the plaintiff is attempting to state a claim under § 1983, the defendants are making a good-faith effort to comprehend the legal claims against them. Should the Court determine that the defendants have not properly interpreted the Complaint, the Complaint should be dismissed as violating Rule 8(a)(2)'s requirement that the a Complaint "give fair notice of what the . . . claim is and the ground on which it rests."

(1975) (due process); Brown v. Board of Educ., 347 U.S. 483, 493 (1955); Tinker v. Des Moines Indep. Community Sch. Dist., 393 U.S. 503, 506 (1969) (freedom of speech), New Jersey v. T.L.O., 469 U.S. 325, 333 (1985) (freedom from unreasonable searches). Each of these rights has been given limited protection in the school setting, however. The right is not given the full measure of protection due an adult citizen; instead, the protection is “what is appropriate for children in school.” Vernonia School District 47J v. Acton., 515 U.S. 646, 655 (1995) (observing that due process, free speech, and search and seizure rights receive limited protection in the public secondary school setting); see, e.g., Hazelwood School Dist. v. Kuhlmeier, 484 U.S. 260, 273 (1988) (public school authorities may censor school publications if censorship is “reasonably related to legitimate pedagogical concerns”).

The plaintiff alleges that defendant Raoul Bonbon called him certain derogatory terms in English and Creole, that both defendants harrassed him by, inter alia, accusing him of stealing, and that the defendant Raoul Bonbon committed slight batteries against him. These allegations do not rise to the level of a violation of rights protected by the federal Constitution or federal statutes. Cadet principally alleges that unpleasant words were directed towards him. In a cognate situation, the tenth Circuit has held that a public school teacher’s calling a sixth grade girl a prostitute repeatedly over a month and a half period did not violate her substantive due process rights under § 1983. Abeyta by Martinez v. Chama Valley Ind. Sch., 77 F.3d 1253, 1256 (10th Cir. 1996). Similarly, the verbal harassment at issue in the present case does not rise to the level of a constitutional violation.

Further, the Abeyeta court held that the verbal insults directed at the plaintiff in that case were not substantial enough to reach the level of a due process claim based upon psychological harm. Id. at 1258; see also Carroll v. Parks, 755 F.2d 1455, 1456-57 (11th Cir. 1985) (finding

that public school student had no “right to be free from public embarrassment or damage to reputation” which could be enforced through § 1983). Cadet similarly has no claim for damage based on psychological harm, public embarrassment, or damage to reputation.

Cadet’s claim that his grades were unduly lowered is also not cognizable. Courts “will ordinarily defer to the broad discretion vested in public school officials and will rarely review an educational institution’s evaluation of the academic performance of its students.” Greenhill v. Bailey, 519 F.2d 5, 7 (8th Cir. 1975). Judicial intervention is only appropriate when an individual is deprived in “a significant interest in either liberty or property.” Id. Cadet alleges no such deprivation in the present matter.³

Indeed, plaintiff’s allegations, if accepted as true, amount to ill-advised statements on the part of a teacher and a school employee. The Supreme Court has pointed out that “[c]ourts do not and cannot intervene in the resolution of conflicts which arise in the daily operation of school systems and which do not directly and sharply implicate basic constitutional values.” Epperson v. Arkansas, 393 U.S. 97, 104 (1968). Cadet can point to no sanction imposed on him which rises even to that level in the present case.

This Court reached a similar result in the Vincent case. See Memorandum and Order, September 6, 2005. The Court assumed that the defendant Mr. Vincent LNU “as an interpreter/translator for the Medford Public Schools . . . could be held to be a state actor.” Id. Considering Mr. Vincent LNU’s alleged verbal harassment of Cadet, this Court concluded that Cadet “failed to meet the second prong by alleging that [Mr. Vincent LNU’s] conduct deprived he Plaintiff of any constitutional rights” and dismissed the case. Id.

³ Indeed, Cadet does not and cannot allege that any of the defendants’ conduct deprived him of a diploma from Medford High School.

III. THE PLAINTIFF'S CLAIMS FOR "DEATH PENALTY" AND "PRISON CONDITIONS" ARE UTTERLY BASELESS AND VEXATIOUS AND SHOULD BE DISMISSED OR STRICKEN

This Court should dismiss Cadet's apparent requests for the "death penalty" or "prison conditions" for the defendants. These claims are also indicated on the Civil Action Cover Sheet filed with the Complaint in this case. As this Court cogently observed in its Memorandum and Order of September 6, 2005 with regard to Cadet's claims for "death penalty" and "prison conditions" in the Vincent case:

It is unclear why these options were invoked. An inference which may be drawn is that either Plaintiff seeks the death penalty against Mr. Vincent, or that he is claiming he is under prison-like conditions. In any event those claims are utterly irrelevant in this action and will not be considered further.

pp. 10-11. Likewise, the similar requests in the present Complaint should not be considered further.

In his Complaint, the plaintiff also asks that the defendant Raoul Bonbon be sent to jail. In the Vincent case, the Court explained at length that (1) federal courts have no jurisdiction over criminal cases unless they are prosecuted by the United States Attorney and (2) Cadet has no standing to bring a criminal action against another individual because no federal statute authorizes him to do so. Memorandum and Order, September 6, 2005 at 9-10 (citing authority). For reasons recognized by the Court, this defect renders Cadet's Complaint subject to dismissal. Id.

CONCLUSION

Accordingly, as the plaintiff has not stated a claim upon which relief may be granted, the defendants are entitled to dismissal of this action.

Respectfully submitted,

DEFENDANTS

RAOUL BONBON and
GISLAINE BONBON

By their attorneys,

/s/ Michael J. Cedrone
Rebecca J. Wilson, BBO # 529980
Michael J. Cedrone, BBO # 657708
Peabody & Arnold
30 Rowes Wharf
Boston, MA 02110-3342
(617) 951-2100

CERTIFICATE OF SERVICE

I, Michael J. Cedrone, hereby certify that I have served a copy of the foregoing on the plaintiff in this matter on this 28th day of March, 2006.

/s/ Michael J. Cedrone
Michael J. Cedrone

PABOS2:MCEDRON:634514_1

9502-91704

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS *Pierre King Ladit a Haitian*(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS *Raoul Bonbon a Haitian mathematician**at Redford high school (Public school).*County of Residence of First Listed Defendant
(EXCEPT IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

05-10975 PBS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input checked="" type="checkbox"/> 3 | <input checked="" type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input checked="" type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input checked="" type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Federal Anti-Racketeering Act

Brief description of cause: Raoul Bonbon used to harass me, massivel = gay, dirt, 90% stolen, Robber, Zinglinda baking me with her to be a massivel, gay.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND'S

☐ CHECK YES only if demanded in complaint.
 JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CLERK'S OFFICE

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY)

2005-10975-PBS

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.

*Also complete AO 120 or AO 121 for patent, trademark or copyright cases

III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

V. 150, 152, 153.

05-10975 PBS

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES NO

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).

YES NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?

EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME

ADDRESS

TELEPHONE NO.

United States DIST CT Court
District of Massachusetts
CLERK'S OFFICE

2005 MAY -4 P 2:20

Plaintiff's Name: Pierre Michel Cadet

Referred to MJ JG Dein

05 10075 PBS

Defendants' Name: Mr. Raoul and Gislaine Bonbon

- 1- I Pierre Michel Cadet is the plaintiff. I am living on 50 Bower street APT 1, Medford MA 02155. I am a Haitian student at Medford high.
- 2- The defendant Raoul Bonbon is a Haitian teacher at Medford high school. He is a resident of Lynn MA and a citizen of Haiti.
- 3- The defendant Gislaine Bonbon secretary at Medford high school is a resident of Lynn and a citizen of Haiti.
- 4- Jurisdiction
This court has jurisdiction over this matter pursuant to 28 U.S.C. 1331

2

5-I came from Haiti - August 24, 2002 a.c. I entered at Medford high school as a sophomore student on September 2, the same year. It was all the time he was talking about his powerful, authority he has at Medford high. He made us know, the department of education give him power above all the leadings there and he can put any of us out of school anytime he wants. In addition, any of them cannot prevent him to do that because he is superior them, has more knowledge than they do, and more experience than the Head master. He is the best mathematic teacher at Medford high, and he can teach all of his colleagues mathematic.

He has been teaching there for 19 years. He is not afraid any thing. Any bad thing cannot happen to him. He is one of the leading and he has more power than the others do. Mr. Paul H. Krueger, the Head master is a just come, even him cannot prevent me to put you out here, and cannot take you back to school if I put you out, (says: Mr. Raseel Bonbon, a Haitian teacher). He does not take the Head master for nothing he is talking about his authority to can make the Haitian students trust and scare him.

He told us he used to talk that way since the first year he began to work there to this year 2005, and never changes. This is a pride for him to talk like that, to make the Haitians students know he has powerful, and above all of his colleagues. He used to tell us it was him who came with the bilingual program at Medford high school. Since last year, on 2003 the bilingual program was over. He should not suppose to speak any other language than English, but still this month sometimes, he speaks Creole to the Haitian students.

On 2002, in a period in which all the Haitian students were new and just come from Haiti, while he was talking about his powerful, his knowledge, such as: he is above all the leadings at Medford high school, he is more important than them. He told us even if you see the American teachers act like a wise, have good character, smile to you, do not think they are important because most of them are "homosexual".

If you see those two words "Safe space" behind an American teacher's door or an immigrant teacher's door at Medford high, this means he is ~~an~~ homosexual. This is a sign to make all the students gays and lesbians know this teacher is a homosexual. Do not worry about anything, be relaxed, and make yourself at home! You can address those teachers any times you want, to ask them their telephone number, their address, their web site to can take an appointment, and fall in love with them. He forced us to believe that and wrote them on the board to make sure all the Haitian kids know and understand what he was talking. At the same time he said: as soon as the bell rings, begin from across my door, take a look in each door all over the hall way to see if I lie to you. It was on 2002 at the end of November he told us that, and he is still doing the same thing each year, still this year 2005. He never changes. When they came to ask him if they can put that sign behind his door, he answered: what! what do you say? Do not know who you are? Am I your friend? Are you crazy? Get out in front of me! He told us he run behind the people who came to ask him if he accept to put that sign in the back of his, and say: Do not ever take chance to come asking me those kind of thing any more. Still last quarter past, I mean the third quarter, he was doing that. He always does that to can show the Haitian students he is more important than his colleagues.

- Facts -

On October 2003, Raoul Bonbon, a Haitian teacher at Medford high school began to act against me like someone he wanted to fight with. He said more than 20 times: Pierre Cadet you are a stealer, stealer robber, zinglindoo, evil doer, assassin. Now and then he used those bad names to bother me, each week, almost every day without stopping. Zinglindoo means in English someone who uses to enter in neighborhood house, violate and kill everybody and take their money etc.

Raoul and Gislaine used to put book on my desk so bother stealer, robber, zinglindoo, rafer. They used mathematic and America's story book to do that to. they make all the leadings, teachers and students detest me by those names.

They used to call me Hassissi sal. Hassissi means gay and sal means dirty. both used to poking me with pencil, pen, ruler to bother me massissi dirty gay, why are you a gay Pierre? who was your first best friend. How many boyfriends did you have ~~you~~ when you were in Haiti.

every where Gislaine sees me in the hallway he keep calling me stealer robber, zinglindoo. she told me she lost a dictionary it was me who take it.

Raoul Bonbon, from october 2003 to this year 2005 used to bother me exactly like this: block, block Pierre Codet, keep him, help me to keep the robber, block the zinglindoo, here the stealer, the robber, here Pierre Codet, he rob my sister's office. He steal a dictionary for her.'

Gislaine used to do the same thing to me. Each she saw me she says, block, block Pierre Codet, keep the stealer, keep the zinglindoo. He rob my office, he takes a dictionary for me. ~~so~~ Two times she came in Mr. Raoul Bonbon's class to put book on my desk and call me stealer, robber, zinglindoo.

Raoul Bonbon give me many bad grades in all subjects he teaches me. I am going to learn mening engineer after high school. I would like you to make me find those back. Please! I expect you will understand me and take my case in consideration.

All the leadings know what Mr. Raoul and Gislaine Bonbon use to do to me they don't do any thing for me. All of them hate me.

I would like ~~for~~ federal Court send letter to both Rapael Bonbon the teacher and his sister Gislaine Bonbon secretary at Redford high school. Redford high is a Public school.

On 2000 and 2003, Rapael Bonbon taught me Algebra I, a writhing course in which he used to show us how to do essay in Creole, an America's story.

From 2003 to 2004, he taught me Geometry and a support course for help.

From 2004 to 2005, he taught me only Algebra II.

I always get ~~get~~ grade good grades for those subjects, but you know because he hate me he still change them to a lower grade and give a higher grade to some students he like. I am going to learn mining engineer ~~and~~ I need those grades back. Do the best you can for me Please!

Both Rapael and Gislaine have to pay a great penal and go to jail for all bad things they did to me like bothering me gay, dirty gay, deep botoek, empty ass and discrimination about grades, touching me etc.

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 From 2002 to 2003

Algebra I ———→ A change in B
 America's story ———→ A change in B^+
 writing course ———→ A^+ change in B^+

From 2003 to 2004
 Geometry ———→ B^+ change in D^-
 support ———→ A change in C

From 2004 to 2005
 Algebra II ———→ I used to get A, B^+ to change them in C^+, B^-

I would like you to make me find all my grades back and make him to pay a great kernel for each and I send him to jail because he call stealer, robber, zinglindoo, put book on my desk to bother me, touching me to call me massissi with pencil pen, etc. Please!

Sincerely,

Pierre Michel Cadet

I would like you to send a letter to both
Gislaine and Raoul Bonbon on Medford high school
adress: 489 winthrop street, Medford MA 02155.

Plaintiff's name: Pierre Michel Cadet
adress: 50 Bower street APT 1 Medford MA 02155

defendants' name: Raoul and Gislaine Bonbon
write them on Medford high school adress:
489 winthrop street Medford MA 02155

From : Pierre Michel Cadet
To : Mr...
Subject : Discrimination and bothering
Date : 04/22/05

Dear ...,

After a long time of suffering, I decide to write you this letter to explain to you some ill-treatment I used to receive from a Haitian teacher, and his sister, secretary at Medford high. His name is Mr. Raoul Bonbon, and his sister names Gislaine Bonbon. I came from Haiti since on Auguste 24, 2002 and I entered at Medford high school as a sophomore student on September 2, the same year. It was all the time he was talking about his powerful, authority he has at Medford high. He made us know, the department of education give him power above all the leading there and he can put any of us out of school any time he wants. In addition, any of them cannot prevent him to do that because he is superior them, has more knowledge than they do, and more experience than the Head master. He is the best Mathematic teacher at Medford high, and he can teach all of his colleagues Mathematic.

He has been teaching there for 19 years. He is not afraid any thing. Any bad thing cannot happen to him. He is one of the leading and he has more power than the others do. Mr. Paul H. Krueger, the Head master is a just come, even him cannot prevent me to put you out here, and cannot take you back to school if I put you out, (say; Raoul Bonbon). He does not take the Head master for nothing when he is talking about his authority to can make the Haitian students trust and scare him.

He told us he used to talk that way since the first year he began to work there to this year, and never changes. This is a pride for him to talk like that, to make the Haitians students know he has powerful, and above all of his colleagues. He used to tell us it was him who came with the bilingual program at Medford high school. Since last year, on 2003 the bilingual program was over. He should not suppose to speak any other language than English, but still this month sometimes, he speaks Creole to the Haitian students. He never talks like that to the other students in his class such as: Chinese, Brazilian, and Indian.

He told us he does not ever accept American student in his class. Each year, when he sees an American student name on the list of student they send to him, he goes back in his guidance counselor's office, and asks with arrogance to take the American student name out from the list. The guidance counselor cannot refuse to do that because they scare him when he talks. They cannot resist to him. He never agrees them to stay in his class. That is what he used to say. Only for one or two days, after that he makes their guidance counselor change their schedule. He told us that many times, and each year, but he never teaches Americans students really, only immigrant students. He told that to make us to be afraid and believe him when he is talking.

The first reason he is talking to the Haitian kids that way, is that most of them are just come from Haiti. They do not speak English well. Still to day, they are afraid him.

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They do not know any thing about the law in United States. They believe and think he can put them out as he used to say.

The second reason is that they feel bad to talk about that to their Sub master and the Head master. That is why he keeps doing the same thing without getting discouraged. He is used to talk very hard with us to can make us scare him.

He told us he used to put many Haitians students out of school. As soon as he put them out, they always come back and kneel down to ask him a last chance. They always supplicate him to accept them to come back to school. They used to say at the moment they kneel down in front of him: Do not do that Mr. Bonbon, do not do that Mr. Bonbon, don't do that Mr. Bonbon, give me a last chance! Do them a last favor! Do not hear Satan's voice! Accept them for a last time; God will give it back to you in return! Please Mr. Bonbon! When they supplicated him to take them back to school, he never gave them any importance. He did not hear what they say. He did not ever exorcize their prayer. He just pressed a stub upper right behind his desk and call Police security to push their back and bring them out. Moreover, the Police always arrested them, and put them out of school on his request. That is what he is used to say about the first Haitians students graduated before us.

Sometimes, when he is talking hard to the Haitians students' girls, some of them cry. Some of them are suffering in his class for the way he used to plague them to make them fell he is a teacher important and irrevocable because he has been teaching there for 19 years. If he puts us out of school any person cannot bring us back. He used to tell us if we want to fight him, he does not have any problem with that and does not scare us either. We can tell him where he has to meet us to can fight. On that day he will come with his red car, a baseball bat, a firearm to can beat and kill us, and if he does not want to come, he can sand a group of gangs in his place. Moreover, he can pay and make a group of gangs to kidnap us while we are walking on the street, going to school, and while we are getting out to school. He used to tell that to make us scare him, and think really he is some thing. If he was in Haiti he would not take, chance to say that. He would be already dead. It is because he knows the Haitian students do not know any thing about the school law in the United States. That is why he keeps doing that to make us scare him and believe he has power to put any of us out school.

On 2002, in a period in which all the Haitian students were new and just come from Haiti; while he was talking about his powerful, his knowledge, such as, he is above all the leadings at Medford high school, he is more important than them. He told us even if you see the American teachers act like a wise, have good character, smile to you, do not think they are important because most of them are "**HOMOSEXUAL**". If you see those two words "**SAFE SPACE**" behind an American teacher's door or an immigrant teacher's door at Medford high, this means that he is a homosexual. This is a sign to make all the student gays and lesbians know this teacher is a homosexual. Do not worry about any thing, be relaxed, and make your self at home! You can address those teachers any time you want, to ask them their telephone number, their address, their web side to can take an appointment, and fall in love with them. He forced us to believe that and wrote them on the blackboard to be sure all the Haitians kids know and understand what he was talking. At the same time he say: as soon as the belt rings, begin from across my door, take a look in each door all over the hallway to see if I lie to you. It was on 2002 at the end of November he told us that, and he is still doing the same thing each year, until

this year 2005. He never changes. When they come to ask him if they can put this sign behind his door, he answered: What! What do you say? Do not you know who you are? Am I your friend? Get out in front of me. He run behind the people who came to ask him if they can put that sign in the back of his door, and say: Do not ever take chance to come asking me those kind of things any more. Still last quarter past, he was doing that. He always does that to can show the Haitian students he is more important than his colleagues.

Another day, he told us, there was a time, the Headmaster; Mr. Paul Krueger was walking in the hallway. His class's door was open. He remarked the Headmaster was staying in front of his door to look in his class how he is teaching the Haitian students. He walked to meet him and say: What are you doing here? Did you need someone? Get out in front of my door. After that, he closed the door in Mr. Paul Krueger's face and go back to work after. He told us that many times to can prove us he is more important than the Headmaster, and has more power and make us scare him. He does not have any respect for the leadings, and the Haitian students do not feel good to tell them how Raoul Bonbon is used to say those things either. He always talks with haughtiness, since he first began to work there, still today. This year makes him 21years since he has been teaching at Medford high. Medford high is a Public school located in Medford, on Winthrop Street 489, Medford MA, 02155.

HERE ALL BOTHERING, AND DISCRIMINATION I USED TO RECEIVE FROM HIM AND HIS SISTER, FROM 2002 TO 2005 AND THE REASONS THAT, I WILL GO IN COURT WITH THEM

On October 2002, he began to act against me, like some one he wants to fight with. He said to me more than 20 times: Pierre Michel Cadet you are a stealer, stealer, stealer, stealer. You are a zinglindoo, evildoer, assassin, and killer, killer; violenter, violenter. Now and then, he used those bad names to bothering me, each week almost every day without stopping. Zinglindoo means in English some one who uses to enter in neighborhood house, violate and kill everybody and take their money. He told me I used to practice those kinds of things when I was in Haiti. I am one of the President Jean Bertrand Aristide enemies. I was a gang. I was in Haitian Army, and used to kill people who liked President Aristide. I used to rape girls, and little kids. Sometimes he used his Mathematics book to put on my desk and keep calling me stealer.

On 2002, sometimes, he took a lot of times to talk in Creole about politic in Haiti, and he likes President Jean Bertrand Aristide and agrees with all bad things he used to practice in Haiti. When he is talking like that, I always told him Aristide is a liar, bluffer. All the time he is making the Haitian people promise without ever doing any thing. In addition, I used to tell him he does not have power above any directing and to put us out here. You are only a teacher, any thing else. He talked a way to make us feel he is one of the leading at Medford high, and all of his colleagues come after him. That is why he became detest me and began calling me stealer, criminal Tonton Makout, Zinglindoo now and then to make me and all other Haitian students to scare and believe he has powerful. From October 2002 to last March 2005 was the worse moment I have ever been of my live since I was born. I do not ever see a teacher like him.

You know each year there are some subjects many students do not understand and always want to change them to another one easier than the first one because they are already remarked they cannot pass it, and they do not want to repeat it next year. I had this problem each year, from 2002 to 2005. Each time, I tried to change my schedule, both; Raoul and Gislaine Bonbon used to bothering me by telling, I used to commit robbery when I was in Haiti. They mean I used to steal cars, money, televisions, computers, and many other things from person or places, by using force, threats or violence. I was a member of a group gang in Haiti. Do not think I can come to do those things here! They told me I do not need to change schedule, but I am watching people to can steal. I am watching when there is no body around, insight to robe the school. This is one of the first reason they began to call me stealer, house robber, assassin, zinglindoo.

Some days later, on the same month, October 2002, he used another technical to act against me. He worked from his desk and came to take an America's story book on a table in the back class and came to put it on my desk and keep calling me the same way: Pierre Michel Cadet you are a stealer, you are a stealer, zinglindoo, assassin, brigand, gang without stopping. You are a big robber. United States is not the same thing like Haiti. Do not think you can rob the school as you used to do in Haiti Such as: take computer, cars, books, television to go sell some where else. On October 2002, he did that to me more than nine times. Sometimes, As soon as he put the book on my desk, he knocked my back, touched my armpit, and kept poking me with a pencil by saying: You are a stealer, a robber, zinglindoo. I was scared him and I did not speak English either. I did not know any thing about the laws. Another day he sat down behind his desk and look at me for a long time and say: "Your mother and you are two stealers".

One day, in the beginning of October 2002, while I was walking in the hallway to can go to another class, Gislaine met with me and told me she wanted to talk to me, and ask me to come to her office. When I reached, she asked me where is the dictionary you took yesterday on my desk. I answered her I did not come here yesterday. It was not me, ask another student. She was persisting by asking me for the dictionary. She told me she saw me in a CAMERA while I was taking it on her desk. She lost two books already. It was me who took them. She cannot leave this one to me. I have to give it back to her now or I am going out of school, and never come back. Some minutes later, she told me you are a robber, a stealer. Get out here! Do not ever come to look for lunch ticket here any more. She was in charge to give students lunch ticket each week. That is why she told me do not return in front of her office to get lunch ticket. It was the first reason they began to call me stealer, robber, zinglindoo. Some days later, almost each time she saw me, she stretched her hand over me by calling me stealer, robber, zinglindoo. She used to say: block the stealer, keep the robber, here the stealer. Pierre robs my office. He stole a big dictionary on my desk.

Both Gislaine and Raoul Bonbon make every body at Medford high detest me. They let all the teachers, leadings and students know Pierre Cadet is a stealer. They have to watch him everywhere he is going.

On January 2003, Mr. Raoul used another name to continue to bother me. He kept calling me "MASSISSI SAL" without stopping. The word massissi means gay in English, and sal means dirty. He called me, Pierre Cadet: dirty massissi, deck sucker, empty ass. Why are you a gay? He told me that because sometimes when I stand up talking I used to put my hand on my ribs. He told me I act like a girl. I talk like a girl. I

walk like a girl. How many boy friends did you have when you were in Haiti? Two days later, he used the same rhythm to call me gay in my language. He folded a flexible book and knocked my head with it times. He stretched his hand on me and said: Here the massissi, here Pierre Cadet the massissi, the sucker deck, the dirty gay. Almost each month and week, he was annoying me like that. Sometimes, he folded paper, used pencil, ruler, and pen, to touch and knock me. When he touched me he was always laughing what he told me like someone he is playing with. He used to show me his middle finger to bother me.

Sometimes, when he talks about his powerful, his knowledge, and his superiority above all the leading at Medford high, he always talks against homosexual. He used to say he does not know why God does not kill those kinds of people yet, as he did to **Sodom and Gomorrah**. He cannot wait to some thing like that happen to them. He cannot see them. He does not ever want to talk to them. He does not need any of his colleagues for friend. When they invite him in meeting in the little theater, he never wants to seat next to them. He always seat apart on a chair near a wall in the room. Be gay means be all bad and dirty things in the world, like trash, poop and all other bad things that smell bad. This is the last worse thing you can do when you are kissing someone the same sex with you.

Be careful when you make friends because they are homosexual everywhere here. Almost each house here has one or two homosexual at least in it. Be careful, they can rape you when you go in their house. That is the way they used to do. That is why they are so many homosexual in the United States. You have to look for knowing who is the person you want to be your friend. You do not know who is exactly the homosexual, because here, you walk only on gays and lesbians. On that day he became hate me the most than before, because I told him God created us with our volunteer. We can make any choice we want. Be homosexual does not means any bad things as you think it is. This is a choice; some body makes to relax him better. You do not suppose to talk that way. Not anyone can leave it to some thing else, because this is a belief. That is one of the reasons he never stopped calling me massissi, deck soccer because of my sexual orientation. He gave me many problems for that, and makes all the students hate me. He told us he used to talk with arrogances since he first began to work there. He does that every year, and almost in each quarter, never changes. It was on January 2003, while he was talking about that, I gave him the answer you have just read.

Another day on October 2002, he stayed in front of his desk, he put his right hand up and say: very so often I am not mistaken, Young boy, and continued to say, Pierre Cadet is a stealer, he is a stealer, this is a stealer, he is a robber. On that day, Gislaine and Raoul Bonbon planed to bothering me together in his class. She came and took a book on her brother's desk and come to put it on my desk by calling me stealer, and massissi. She touched my ribs with a pencil two times and knocked my head. She stretched her hand over me, and said: here the zinglindoo, here the stealer, the dirty gay, and here the robber. You commit robbery many times in your life Pierre. You do not have any idea to change schedule, but you are watching when there is no body around, insight to can rob the school. She did that to me two times in Mr. Raoul's class. On the same month Raoul Bonbon sent chalks on me five times while he was writing on the chalkboard, and say: you are a stealer, a robber, zinglindoo, massissi sal.

In the middle of November 2003, he walked fast all over the classroom, with speed, from his desk to mine. He pushed chair to the left as to the right, and said: Help me, help me, help me to keep the stealer, help me to keep Pierre Cadet! Block him, block him, Block Pierre Cadet, and block Pierre Cadet! Keep the stealer, keep the stealer, and keep the stealer. While he reached next to me, he dope slapped me with a plastic ruler (on my back neck). He stretched his hand over me and said: Here the stealer, here the stealer, here stealer, here the stealer, here the stealer, here the stealer, keep the stealer, keep the stealer, keep Pierre Cadet, block Pierre Cadet! He kept to bothering me last year from November 2003 to May 2004, almost each week. Sometimes, when he finishes to teach something I used to put my head down on my desk. He always profit by that to hit me, such as: with pencil, pen, etc and says: wake up massissi! You cannot sleep here. The gay of gays, you are not at home. You are a dirty gay.

Gislaine Bonbon, the secretary at Medford high used to tell us the same thing her brother use to say about "SAFE SPACE". In addition, sometimes when we fall in trouble to another student, she told us her brother can put us out of school. On day I told her you brother is nothing here. He is only a teacher and he makes me know he will put me out of school. She answered me get out in front of dead dog, robber. From 2002 and 2004, many times she saw me, she walked to come to meet me and always stretched her hand over me to bothering me by calling me stealer the same way his brother used to do in Creole. Keep the stealer, keep Pierre Cadet, he is a stealer! Help me; help me to keep Pierre Cadet. Here the stealer, here the zinglindoo, here Pierre Cadet, help me to keep him! Pierre is a massissi. They make everyone at Medford High hate me and tell them to watch me.

He told us I am not the first student he calls stealer, zinglindoo, dirty massissi, and evildoer, murdering. He used to call many Haitian students by those names before me. You do not need to do any thing to him to bothering you and give you bad name, like: zinglindo, massissi, stealer, murderous, etc. He just look at your face and call you by those name, to can see if you will promise him the death by Voodoo. He like that, and always expect that from us.

To show me really he had powerful. In each quarter, and almost in all subjects he teaches me, he takes some grades off. I always got good grade like A, A+, but he is still changing them to a lower grade, a very different grade. He gave a higher grade to another student who do not had any qualification for that, such as: Wilguens Clairsanvil, Charlernes Saintilus, and cendy Metellus. He told us what grade each student get in each quarter, before we give report card. However, after that, he changed them. From 2002 and 2003, he teach me Algebra 1, America's story, and a course that he changed and replaced by another one called "Language", or (writing course), where he used to teach us how to do essay in Creole. From 2003 and 2004, he did teach me Geometry, and a support course, and for this school year 2004-2005 only Algebra 2. When I talked to him about that he told me, he does that because of mouth, and if he wants to give me "F" "any directing cannot make him change it, even if my parents come to ask to change it he would never do it either. Since I used to tell him, he does not have power to put us out of school. You are nothing here. They hired you here only to teach. Why do you like talking this way to make us believe you are some thing here? President Jean Bertrand Aristide is a bluffer. He never keeps his promise. He is still lying to the Haitian people, without doing any thing. That is why he became detest me make me suffer like that. I

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would like you to help me to find those grades back, make him to pay a great almond for each, and send him to jail for the all-bad names he gave to me.

In addition, in the beginning of the school year 2004 and 2005, I did not have course with him. I had Pre-Calculus and Algebra with an American teacher. His name is Mr. Delano. As in my first schedule, I had music courses (guitar, keyboard, drum); my guidance counselor canceled them and added an Italian course in their place. On the same day, I was looking for to have the music courses back, but I don't ever had chance to get them. I talk to my guidance counselor about that, she promised me she would give them back to me, but instead of that she became confuse and did a bad change in my schedule. She add French 2 instead of Pre-Calculus and sent me back in Mr. Raoul Bonbon's class instead of Mr. Delano for Algebra 2. I was very surprise on that day. I did not want to go in Mr. Bonbon's class.

Because I do not want to go in his class, he made me lost six school days by asking my sub master to send me home back. When I saw that I was looking for to have the old schedule back, he prevent my guidance to do it for me. As I saw that, I give up and I entered in his class on October 14, 2004. As soon as, I entered and seat down in his class he asked me: Why do you come here? What is wrong with you? you do not know you do not suppose to be in my class. I am going to ask you guidance counselor to give you another teacher for Algebra 2 class. I do not want you to stay in my class. I cannot see you in front of me.

Two weeks later, in the beginning of November, he began to bother me the same way he used to do that before and on the same rhythm. By saying and walking around the class: "Block him, block him, block Pierre Michel Cadet, block the stealer, block the zinglindoo, block the massissi, help me to keep Pierre Cadet, the stealer, block the murdering. After that he came to stand up next to me and touched my rib with a ruler, and say by stretching his hand over me: here the stealer, here the stealer, keep the stealer, keep the stealer, here stealer, here the murderous, here the dirty massissi, here the zinglindoo. I explain this part to you just because I did want to show you all the steps I traverse to fall in the same problem.

I am going to learn mining engineer next year, I would like you to make me find those grades back for all the subjects he teaches me, and make him to pay a great kernel for each. For Algebra 1, from the first to the forth quarter, between 2002 and 2003, I got A in each. For a support course that he transformed by a "Language Course" or Writing course in which he used to show the Haitian students how to do essay in Creole, I got only A+ for all the four quarters. For America's story I used to get only A. Moreover, for another support course between 2003 and 2004, I used to get A, A, after that he changed them in C. Each quarter, before they give report card, he used to tell us what grade we get, but when I receive mine, I see a very different grade in it.

By December 2004, Gislaine Bonbon make us know last year she did not see those kind of things next to her office. Now she sees all the people who is around her office has this sign "SAFE SPACE" in the back of their door. She cannot see them when they go up and down in front of her office. You know the director of Multi-Cultural/ ESL was retired last year. They replace her by another woman this year. That is why she told us that. She is the secretary of that woman now, and the office of the new bilingual director is next to hers.

I would like the **FEDERAL COURT** send a letter to them, Mr. Raoul Bonbon, the teacher, and his sister Gislaine Bonbon, the secretary on Medford high school address: 489 Winthrop street, Medford MA 02155. I would like you to consider my problem as yours and resolve it fast, and call the school to be sure they receive it. I am in 12 grades. I am going to graduate on Jun 2, 2005, and I plan to learn mining engineer next year after high school. I expect you will understand me and use all the school law against discrimination, assault, and bothering to make my defence. Do not forget to review the letter before the day you will fix for the judgment, please!

On the day of the judgment, I would like the judge ask them questions on all kind of maltreatment I received from them during the last past two years, such as: The reason they called me stealer, zinglindoo, assassin, violenter, criminal, massissi, Tonton makout. The reason they stretched their hand over me to annoying me (here the stealer, here the zinglindoo, here the massissi, block the stealer, help me to keep Pierre Cadet the criminal, the stealer, the killing, the murderer), etc. The reason Raoul Bonbon, the teacher changed my grade to give me a lower one, and give better grade to another student who did not have any worth for that(Wilguens Clairsanvil, Cindy Metellus, Charlernes Saintilus), etc. The reason he put the book in front of me (on my desk) for assaulting me by calling me stealer, robber.

How many years have you been teaching at Medford high? How many students do you used to call stealer, criminal, assassin, massissi before Pierre? Why did you use pencil, pen, ruler, flexible book, and folding paper to strike Pierre? How many times did you touch Pierre with pencil, folding paper, flexible book, pen and ruler? Who gave you power above all the leading at Medford high, in particular Mr. Paul Kruger, the Head master? Who gave you power to offence the Haitian students? Who gave you power to put a Haitian student out of school? Why do you used to tell them you have powerful, you can put them out of school, and any directing cannot bring them back? Who gave you power to talk the way you used to speak to the Haitian students? Why did you say to the Haitian students if you see those two words "SAFE SPACE" behind an American teacher's door or an immigrant teacher's door at Medford high this means that he is a homosexual? Why did you write them on the blackboard? Do not forget to make them pay a great almond, and send both to jail. I mean Gislaine, the secretary; and her brother Raoul Bonbon, the teacher because they assaulted me a lot by calling me dirty massissi. Why are you a gay? zinglindoo, robber Etc.

The reason both, planed to bothering me in class. The reason Raoul Bonbon run around the class, push chair the right as to the left to calling me massissi, stealer, stretched his hand over me to say: here the stealer, here the zinglindoo. Since when did you begin to call Pierre stealer? How many times did you put the book on Pierre's desk to call him stealer, massissi, robber, zinglindoo? What kind of book did you use to put on his desk? Why did you ask Pierre how many boy friends did he has when he was in Haiti? Why did you tell Pierre he did not have any idea to change schedule, but to rob the school, your sister's office, to take computer books, money? Why Gislaine did you tell Pierre he was looking for to rob your office? Why did you stretched your hand now and then to call him stealer, robber, here the stealer, here the zinglindoo, here the dirty massissi? Did you see Pierre stolen? Why did you call him stealer, robber, zinglindoo? Where did you see him stolen? Did you keep him stolen? Why did you say block Cadet, help me to keep the robber, the stealer, the zinglindoo? Why did you use those words?

Raoul why did you accept Gislaine to come in your class to put a book on Pierre's desk like you used to do to calling him stealer, massissi, here the robber, here the zinglindoo, block Pierre Cadet, help me? Gislaine, Why did you go in Mr. Raoul's class to do that to Pierre? Raoul, why are you always looking for promise the death by mystic, by Voodoo from the Haitian student? What do you find in those kinds of promises? Why did you say many times to the Haitian students, one day you closed your class door in Mr. Paul Krueger's face, the Head master? What kind of ruler did you use to touch Pierre's ribs? Gislaine, what king of book did you use to put on Pierre's desk to call him massissi, robber?

Raoul and Gislaine Bonbon, why did you give the meaning of "SAFE SPACE" to the Haitian students? Raoul, why did you tell to the Haitian students you run behind the people who came to ask you if you can accept to put those two words **safe space** in the back of your door? Why did you tell the Haitians you are very arrogant, and you used to talk like that since the first year you began to work at Medford high? Why do you arrogant like that? What make you arrogant like that? What do you always expect to get in return when you are talking with arrogance to the Haitian students? Why do you always tell them you are above all the leading at Medford high, you have powerful, and you can put them out of school? Why did you tell to the Haitian students you are above Mr. Paul Krueger, the Head master? Why do you used to tell them you are above all the leading at Medford high? Why do you used to tell them the department of education gives you power above all the leading at Medford high? Why do you used to say any of the leading at Medford high cannot prevent you to put a Haitian student out of school? Raoul, what discrimination and assault mean for you? How long have you been in the United States?

Why do you used to say you cannot see Pierre in front of you, and in your class? Why did you used to say you have more knowledge than your colleagues, and you can teach them Mathematic? Why did you used to say Mr. Paul Krueger is a just come at Medford high, he cannot prevent you to put a Haitian student out? Where did you teach before you came at Medford high? How long have you been teaching there? Why did you used to talk a way to show the Haitian students you are more knowledge than all the leading at Medford high? Why did you to say it was you came with bilingual at Medford high? Why did you used to ask Pierre how many boy friends he did have when he was in Haiti? Why did you call Pierre dead dog?

After the first judgment, I would like Federal court write a letter to Medford high school, or to the Headmaster, Mr. Paul Krueger. For asking if they can make it find their home address, telephone number, Social security number, and Permanent Resident Card number, their identity card and picture, and all other important document that you know you can need to prevent them to move to another country, or another States, like Haiti, Canada, New York, Miami, etc. They have brothers, sisters, cousin, in those both countries, and States. They can move to one of them if they see they are going to jail or they will condemn by death penalty, so that the Federal Court can continue to write them on their home address. In particular, Mr. Raoul Bonbon, he plans to go in vacation with his family during this summer in a country in the Carib, or (Antilles).

9

The Headmaster phone number is [REDACTED]. My Sub master, Mr. David Polcari phone number is [REDACTED] and his secretary Mrs. Cathy Johnson phone number is: [REDACTED]. My guidance counselor's phone number is: [REDACTED]. Her name is Lola Lombardo.

After the first trial, I would like to call Mr. Paul Krueger, the Headmaster, and my Sub master by asking to fix my report cards. I would like you to work fast on this case to can prevent them to move somewhere else, to make them to pay a great kernel, and send them to jail before the school close or before the summer time is over, and make him to give me back all the grades he took off from me. I will learn mining engineer next year. So, I would like you to do the best you can for me. I expect you will understand me, take my case in consideration, and work fast on it before the school close. I am in twelve grades, and I will graduate on Jun 2, 2005. I am living in Medford, MA 02155, 50 Bower Street apt. 1. My Home phone number is [REDACTED]. My Social Security Number is: [REDACTED]. My Permanent Resident Card Number is: [REDACTED]. Do not forget, I select Federal Court for this case. I would like to be in the court with them on the first day of the judgment, but for the other days my lawyer will have to represent me. Also, if you want me to be present another day I do not have any problem. Please!

Sincerely,

Pierre Michel Cadet

Amos 10
Book 10

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Abstract

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deck 2

dek 3

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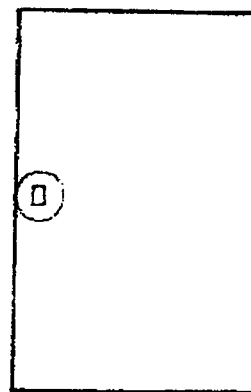
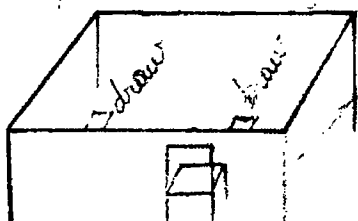
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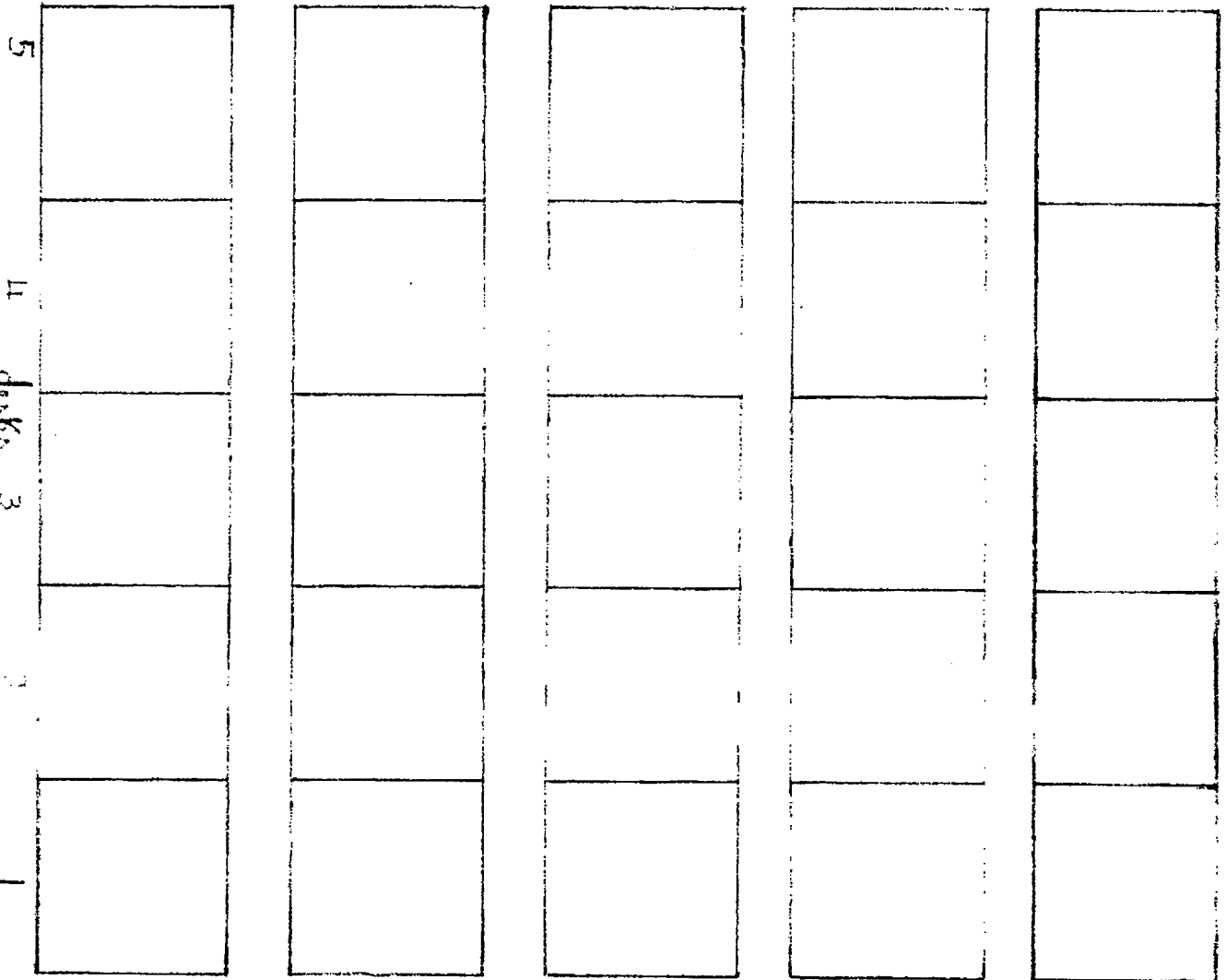
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my nice, happy, little son - I



books



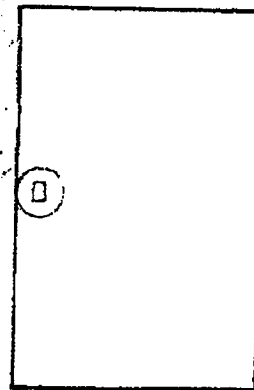
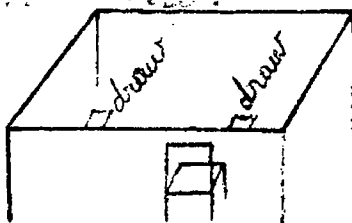
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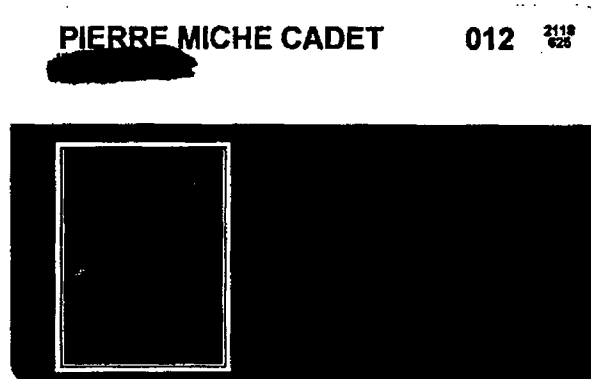
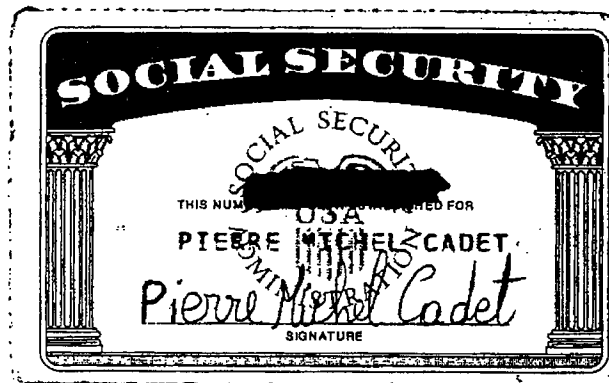
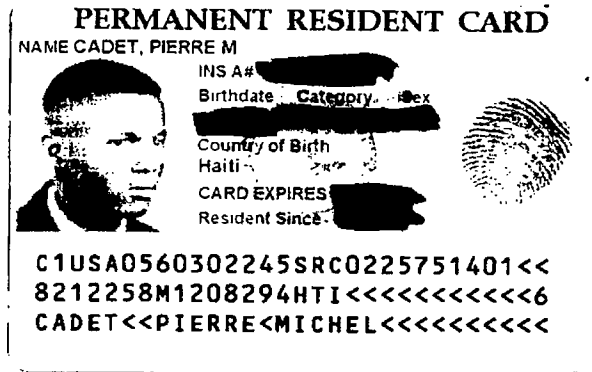
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black

still, last year
and this year
2003, 2004, 2005

I am looking for
any more photos
from the same
time period
as the other
photos.



Cadet, Pierre Miche
Carmelle Conde
50 Bower Street
Medford, MA 02155

Medford High School

B206 2004 Lomb 2

DATE: 07/07/03

needs Health 12

Course Description Teacher	Q1	Q2	Q3	Q4	FV															Comments
ESL A 2p std 9-12 McDaniel, S	480A-01 10 YR C+	B-	C-	B-	C															Participates in class discussion Student not working up to potent Homework often done carelessly Student not working up to potent Has ability to do better Unprepared for class
TBE S Hal 9-12 std Bonbon, R	491-01 5 YR A	A-	B+	B+	B+															
TBE C Hal 9-12 std Bonbon, R	493-02 5 YR A	B	C	C+	C+															
TBE Sup Hal 6x Bonbon, R	499-01 5 YR A-	A-	A-	B+	B+															
Guidance 11 1xy Lombardo, L	693-07 1 YR S	S		S	S															
Basic Art 2xy 9-12 Fowler, T	718-06 2 YR C-	C-		B-	C															
Fitness std 1xy Ryser, T	905-08 1 YR U	S	U	S	S															
Health 11 2xy std Borchers, R	915-08 2 YR C+	C+	B-	B-	B-															

DAYS	Q1	Q2	Q3	Q4	TOTAL
ABSENT	1.0	0.0	4.0	5.0	10.00
TAFDY	3	6	2	5	16
DISMISSED	0	0	0	0	0

CLASS RANK: 135/295

Career GPA: 2.6612

CAREER CREDITS: 52.500

Class rank, which is noted to the left, is an approximation. For more information, please see pages 47-48 in the 2002-2003 MHS Student Handbook.
Questions about Report Cards should be raised with counselors next fall.

has grades from 9x10 in folder

Cadet, Pierre Miche

Carmelle Conde
25 Bower Street
Medford, MA 02155**Medford High School**

C303 2005 Bruce, P.

DATE: 06/30/04

Page 23

Course Description		Q1	Q2	Q3	Q4	FV											Comments
Teacher																	
Prod I 2xy 9-12	081-16	YR	B	C+	D	B	C										A pleasure to have in class.
US Hist (ESL) 11	133-01	YR	D-	F	C-	B	D+										Work and effort was made to do
ESL std	332-01	YR	C+	B-	E	C-	C-										
Inter 2per ELL	473B-01	YR		B-	C-	D	C										Demonstrates creativity
Geometry SEL	484-01	YR	D-	B-	D-	D-	D-										Poor Effort
Support Hal SEL 2x	494B-01	YR		C-	C	D-	D-										Poor Effort
Support Hal SEL 4x	494D-01	YR	C+	C	D-	D-	D-										Poor Effort
Health 12 2xy std	916-10	YR	A-	B-	B-	B											

Class rank and career GPA are estimates and may change. (For example, when "Incompletes" become letter grades and when teachers correct electronic errors in grading, the changes in those students' GPA will most likely change their Rank in Class, as well as Career GPA.)

DAYS	Q1	Q2	Q3	Q4	TOTAL
ABSENT	0.0	4.0	2.0	5.0	11.00
TARDY	0	2	3	4	9
DISMISSED	0	0	0	0	0

CLASS RANK: 220/304 CURRENT YR CREDITS: 35.000

Career GPA: 2.1456

CAREER CREDIT: 66.000

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PIERRE MICHAEL CADET,
Plaintiff,

v.

Civil Action No. 05-10975-PBS

RAOUL BONBON, ET AL.,
Defendants

PIERRE MICHAEL CADET,
Plaintiff,

v.

Civil Action No. 05-11790-PBS

MR. VINCENT ("LNU")¹,
Defendant

MEMORANDUM AND ORDER

SARIS, D.J.

For the reasons set forth below: (1) To the extent Plaintiff seeks to add Mr. Vincent LNU as a Defendant in Civil Action No. 05-10975-PBS, such request is denied; (2) Civil Action No. 05-11790-PBS is dismissed in its entirety; and (3) Plaintiff is advised that the filing of frivolous or vexatious Complaints in the future may result in the imposition of sanctions against him.

BACKGROUND

1. Civil Action No. 05-10975-PBS

On May 4, 2005, Plaintiff Pierre Michael Cadet, a Haitian student at Medford High School, filed a civil rights complaint against a Medford High School teacher and a school secretary. That action was assigned as Cadet v. Bonbon, et al., C.A. 05-

¹Last name is unknown ("LNU").

10975-PBS.

Plaintiff alleged, *inter alia*, that he suffered harassment (name-calling, insults, slight batteries) by the defendants, and his course grades were wrongfully lowered by his teacher. More specifically, Plaintiff claims that his teacher, Mr. Bonbon, also Haitian, acted improperly with respect to all Haitian students at the school, threatening expulsion and exerting power over them, and speaking in Creole notwithstanding school regulations state he is only to speak in English. Plaintiff further alleges that Mr. Bonbon told him and the other students that if they wanted to fight him he would beat and kill them.

With respect to specific allegations as to the wrongful conduct against him, Plaintiff claims that Mr. Bonbon began acting against him in October, 2002, calling him a variety of derogatory names, some in English and others in Creole. Plaintiff alleges this is because he had had a political discussion with Mr. Bonbon and they disagreed about the Haitian President. From that point to the present, Plaintiff claims he was discriminated against and harassed and physically and verbally assaulted by both Defendants. He also claims he was called "Massissi sal", which translates to "dirty gay."

Finally, Plaintiff claims that Defendant Raoul Bonbon lowered his grades from A+ or A to lower grades, and that Defendant told him he wanted to change his grades because of his

mouth.

On May 17, 2005 this Court issued an Order (#3) finding that Plaintiff's application to proceed *in forma pauperis* was deficient, and denying the motion (#1) and directing Plaintiff to either pay the \$250.00 filing fee within thirty-five (35) days, or file a completed Application to Proceed Without Prepayment of Fees, which specifically included further financial information as to his employment, wages, and other assets.

On May 26, 2005, Plaintiff paid the \$250.00 filing fee and summonses issued as to each defendant. Plaintiff was instructed to effectuate service on the defendants, however, to date, Plaintiff has not filed a proof of service as to any defendant. Recently, he has requested appointment of counsel and also requested the Court circumvent the Federal Rules of Civil Procedure, or to enter judgment prior to service of the Complaint upon the defendants.

2. Civil Action No. 05-11790-PBS

On August 31, 2005 Plaintiff Cadet filed, pro se, a Complaint against Defendant Mr. Vincent LNU (Last Name Unknown) who is a Haitian interpreter or translator at Medford High School. Compl. ¶2. Plaintiff alleges he is a citizen of Haiti and his residence appears to be unknown.

The crux of this Complaint is that in July 2003, during a

summer course, Plaintiff was walking in the hallway of the school when he heard the Defendant behind him. As he turned around, Defendant told him:

...everybody here already knows what you are. You do not need to look at the back. Do what you are going to do, zinglindoo. If you keep watching people to steal, one day they will keep you. You would steal in Haiti, now you move to the United States, you keep stealing and robbing. All bad things seem to you Cadet, and you have many bad names. You are massissi, stealer, robber, and zinglindoo. You are all bad things.

Compl. at 2. The remainder of the Complaint contains a narration concerning Plaintiff's traverses with other employees at the school, including the security officers,² the defendants Raoul Bonbon and Gislaine Bonbon (the defendants in the prior litigation), and Miss Blackburn (a retired employee in charge of schedules who is alleged to have been protective of Defendants in the related action).

He also attaches a letter in which (it appears) he seeks to add Defendant Vincent LNU to his complaint against Defendants Raoul Bonbon and Gislaine Bonbon. He states he does not know Mr. Vincent's last name, and advises the Court can write to him care-of Medford High School. His Complaint also attaches names and

²Plaintiff requests the Court send a letter to each of the security officers listed in the Complaint (and identified by photograph), because "all of them used to follow me from class to class, from my locker to the cafeteria or to the Gym. They will have to come to answer some questions about the reason Gislaine Bonbon used to call them each time when I went to change my schedule to come to keep me stolen." Attachment to Complaint..

addresses of students and requests the court send the parents of each a letter, although the content of the requested letter or the purpose is not specified. Presumably, these are lists of witnesses on his behalf. Also attached is a list of subjects Defendant Raoul Bonbon taught him from September 2002 to May 2005, and a transcript of his grades from Medford High School, dated July 5, 2005.

The civil cover sheet which Plaintiff filled out indicates his action is a civil rights action, although he has also checked the box for "death penalty" and "prison conditions." He describes his cause of action that "he told me I have all bad names, robber ...and he called me by those names." As part of his demand, he seeks to have the Defendant imprisoned. The letter which he attaches to the Complaint states: "I would like the Judge [to] send Mr. Vincent...to jail for those things he told me. I do not want money. I would like you to fix his sentence between 30 and 40 years to jail." Attachment to Complaint (emphasis added).

Plaintiff did not pay the filing fee, nor did he file an Application to Proceed Without Prepayment of Fees.

ANALYSIS

I. Request to Add Mr. Vincent LNU as a Defendant in C.A. 05-10975-PBS

To the extent that Plaintiff seeks to add Mr. Vincent LNU as a Defendant in Cadet v. Bonbon, et al., Civil Action No. 05-

10975-PBS, the request is denied. Plaintiff did not file an Amended Complaint pursuant to Fed. R. Civ. P. 15 seeking to name Defendant Vincent LNU. Rather, he filed a separate Complaint, along with a Civil Cover sheet, evidencing an intention to file this as a separate action. Moreover, while the two cases are related in the sense that the alleged actions all took place at Medford High School by school employees, the claims, as pled, are otherwise factually and legally unrelated. Finally, because this action is dismissed *sua sponte* for the reasons stated herein, addition of Defendant Vincent LNU as a party in Civil Action No. 05-10975-PBS is futile.

II. Lack of Jurisdiction/Failure to State a Claim

In order for this Court to review Plaintiff's claims, it must either have (1) federal question or (2) diversity subject-matter jurisdiction. See 28 U.S.C. § 1331 (federal question jurisdiction); 28 U.S.C. § 1332 (diversity jurisdiction); In re Recticel Foam Corp., 859 F.2d 1000, 1002 (1st Cir. 1988) (court has an obligation to inquire *sua sponte* whether subject-matter jurisdiction exists and to proceed no further if such jurisdiction is lacking).

Here, Plaintiff has failed to set forth any set of circumstances which would invoke either the federal question or diversity jurisdiction of this Court, as discussed below.

A. Diversity

Under 28 U.S.C. § 1332, district courts have original jurisdiction over civil actions between citizens of different states where the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332(a). However, diversity must be complete: the citizenship of each plaintiff must be shown to be diverse from that of each defendant. Owen Equip. & Erection Co. v. Kroger, 437 U.S. 365, 373-74 (1978).

Here, Plaintiff has not shown diversity of citizenship. More importantly, he has stated he is not seeking monetary damages, and therefore cannot, on the face of the Complaint, establish that the amount in controversy exceeds \$75,000. Thus, even if Plaintiff had pled a cognizable state-law claim based on the alleged insults of Mr. Vincent, this Court lacks jurisdiction over such claim.

B. Federal Question

Federal district courts have original jurisdiction over "federal question" cases, that is, civil actions "arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331; Viqueira v. First Bank, 140 F.3d 12, 17 (1st Cir. 1998). Generally, a claim arises under federal law within the meaning of Section 1331 if a federal cause of action emerges from the face of a well-pleaded complaint. See City of Chicago v. International College of Surgeons, 522 U.S. 156, 163 (1997). The

well-pleaded complaint rule restricts the exercise of federal question jurisdiction to instances in which a federal claim is made manifest within the four corners of a plaintiff's complaint. Viqueira, 140 F.3d at 17.

Here, Plaintiff has failed to set forth any claim which would invoke the federal question jurisdiction of this Court, based solely on alleged verbal insults by Mr. Vincent LNU.

1. Civil Rights Claim

Although Plaintiff's Civil Cover sheet accompanying the Complaint has checked off "civil rights" as his cause of action, Plaintiff has not stated a cognizable civil rights claim under 42 U.S.C. § 1983. In order to state a § 1983 civil rights claim, a plaintiff must allege (1) that the conduct complained of was committed by a person acting under color of state law; and (2) that this conduct deprived the plaintiff of rights, privileges or immunities secured by the Constitution or laws of the United States. Rumford Pharmacy, Inc. v. City of East Providence, 970 F.2d 996, 998 (1st Cir. 1992).

Here, Plaintiff has not alleged that Mr. Vincent LNU, is a state actor for purposes of § 1983. Even assuming that, as an interpreter/employee for the Medford Public School, he could be held to be a state actor, Plaintiff has still failed to meet the second prong by alleging that such conduct deprived the Plaintiff of any constitutional rights.

2. Criminal Prosecution Claim

To the extent that Plaintiff, a private citizen, seeks to have Mr. Vincent LNU sentenced "to 30 to 40 years in jail," the request is construed as a request to have Mr. Vincent LNU criminally prosecuted for his alleged verbal insults against the Plaintiff. As such, this Court lacks jurisdiction over the request, and, concomitantly, the Plaintiff has also failed to state a legally cognizable claim against Mr. Vincent LNU, because a private citizen may not prosecute a criminal action.

Federal courts do not have jurisdiction over criminal cases unless they are prosecuted by the United States Attorney. See e.g., United States v. Panza, 381 F. Supp. 1133, 1138 (W.D. Pa. 1974) ("[T]here is a long line of cases holding that federal courts have no jurisdiction over cases prosecuted in the name of the United States unless they are prosecuted by the United States Attorney."); Pugach v. Klein, 193 F. Supp. 630, 633-635 (S.D.N.Y. 1961) (power to enforce criminal law vested in executive branch by Constitution; no residual power in private citizens to enforce law when United States Attorney does not prosecute). Section 547 of Title 28 states that "Except as otherwise provided by law, each United States attorney, within his district, shall (1) prosecute all offenses against the United States." 28 U.S.C. § 547 (1) (emphasis added).

Here, Plaintiff does not have standing to bring a criminal

action against Mr. Vincent LNU because no statute authorizes him to do so. Kennan v. McGrath, 328 F.2d 610, 611 (1st Cir. 1964) (per curiam); accord Cok v. Cosentino, 876 F.2d 1, 2 (1st Cir. 1989) (per curiam) (stating that only the United States as prosecutor can bring a complaint under 18 U.S.C. §§ 241-242); Stone v. Warfield, 184 F.R.D. 553, 555 (D. Md. 1999) (stating that individual citizens have no private right of action to institute federal criminal prosecutions); cf. Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973) (a private citizen lacks a judicially cognizable interest in the prosecution or non-prosecution of another); accord Nieves-Ramos v. Gonzalez, 737 F. Supp. 727, 728 (D. P.R. 1990) (same); cf. Sattler v. Johnson, 857 F.2d 224, 227 (4th Cir. 1988) (no constitutional right under the Equal Protection Clause to secure the prosecution of another). 28 U.S.C. § 516 (conduct of litigation in which the United States is a party is reserved to officers of the Department of Justice, under the direction of the Attorney General). Thus, the complaint is subject to dismissal. See Kennan, 328 F.2d at 611; Cok, 876 F.2d at 2; Warfield, 184 F.R.D. at 555.

3. Death Penalty and Prison Conditions

As noted above, Plaintiff also checked off on the Civil Cover sheet that the cause of action was "Death Penalty" and "Prisoner Conditions." It is unclear why these options were invoked. An inference which may be drawn is that either

Plaintiff seeks the death penalty against Mr. Vincent, or that he is claiming he is under prison-like conditions. In any event, those claims are utterly irrelevant in this action and will not be considered further.

III. Plaintiff is Subject to Future Sanctions

A. Authority To Impose Sanctions under Fed. R. Civ. P. 11

Under Rule 11, this Court may impose sanctions on an unrepresented party if he or she submits a pleading for an improper purpose or if the claims within it are frivolous or malicious. See Fed. R. Civ. P. 11(b)(1), (2);³ Eagle Eye Fishing Corp. v. U.S.

³Rule 11 provides in pertinent part:

(b) Representations to Court. By presenting to the court (whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances,--

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the

Dep't of Commerce, 20 F.3d 503, 506 (1st Cir. 1994); Pronav Charter II, Inc. v. Nolan, 206 F. Supp.2d 46, 54 (D. Mass. 2002) (warning *pro se* party against whom sanctions were sought, albeit unsuccessfully, that Rule 11 applies to *pro se* litigants).

One of the central purposes of Rule 11 is to protect parties and the Court from wasteful, frivolous, and harassing lawsuits, and the rule provides for sanctions as a deterrent to such abusive conduct. See Navarro-Ayala v. Nunez, 968 F.2d 1421, 1426 (1st Cir. 1992). "The imposition of a Rule 11 sanction usually serves two main purposes: deterrence and compensation. . . . Encompassed within these objectives are several related subsidiary goals, e.g., punishing litigation abuse and facilitating case management." Id. (internal citations omitted).

The Advisory Committee Notes regarding the 1993 amendments to Rule 11 set forth various factors that properly may be considered in determining whether sanctions under the rule are warranted.⁴

evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

Fed. R. Civ. P. 11.

⁴These include: "[1] [w]hether the improper conduct was willful, or negligent; [2] whether it was part of a pattern or activity, or an isolated event; [3] whether it infected the entire pleading, or only one particular count or defense; [4] whether the person has engaged in similar conduct in other litigation;" [5] whether it was intended to injure; [6] what effect it had on the litigation process in time or expense; [7] whether the responsible person is trained in the law; [8] what amount, given the financial resources of the responsible person, is needed to deter that person from repetition in the same case;

In the instant case, this Court finds that Plaintiff's Complaint seeking to have Mr. Vincent LNU put in jail for 30 to 40 years because of alleged verbal epithets, constitutes a frivolous and vexatious filing, and with improper motivation.⁵ While the Court recognizes that Plaintiff is *pro se* and with little legal knowledge of court procedures, the clear inference drawn from the pleadings is that Plaintiff's Complaint is motivated by the quest for vengeance against Mr. Vincent LNU, and no reasonable person could suppose this claim (for 30 to 40 years jail time based on verbal insults) to have any merit. Such behavior by the Plaintiff results in the expenditure of significant time and resources of the Court in processing, docketing, reviewing the filings and preparing the Order for dismissal.

Accordingly, Plaintiff is advised that his *pro se* status will

and [9] what amount is needed to deter similar activity by other litigants. Fed. R. Civ. P. 11 Advisory Committee Notes (1993); Vasile v. Dean Witter Reynolds Inc., 20 F. Supp.2d 465, 506 (E.D.N.Y. 1998), aff'd, 205 F.3d 1327 (2nd Cir. 2000).

⁵Vexatious conduct occurs where a party's actions are "frivolous, unreasonable, or without foundation." Local 285 Serv. Employees Int'l v. Nontuck Res. Assoc., Inc., 64 F.3d 735, 737 (1st Cir. 1995) (internal citations omitted); accord Alexander, 121 F.3d 315-16 (sanction appropriate when "objectively unreasonable litigation-multiplying conduct continues despite a warning to desist"). Vexatious conduct may be found even in the absence of subjective bad intent, Local 285 Serv. Employees Int'l, 64 F.3d at 737, and "to sue in bad faith means merely to sue on the basis of a frivolous claim, which is to say a claim that no reasonable person could suppose to have any merit." Lee v. Clinton, 209 F.3d 1025, 1026 (7th Cir. 2000).

not immunize him from future sanctions should he continue to file this type of Complaint in this Court, and Plaintiff is also warned that serious measures, including the imposition of monetary sanctions and/or an order enjoining him from filing further Complaints in this Court, may be taken in order to make clear that such misconduct will not be tolerated. See, e.g., Patterson v. Aiken, 841 F.2d 386, 387 (11th Cir. 1988) (upholding imposition of monetary sanctions pursuant to Rule 11 against a *pro se* litigant, noting that such a litigant "'has no license to harass others, clog the judicial machinery with meritless litigation, and abuse already overloaded court dockets'" (quoting Ferguson v. MBank Houston, N.A., 808 F.2d 358, 359 (5th Cir. 1986))).

B. Court's Inherent Powers to Impose Sanctions

In addition to the power to impose sanctions under Rule 11, a district court has the inherent power to manage its own proceedings and to control the conduct of litigants who appear before it through the issuance of orders or the imposition of monetary sanctions for bad faith, vexatious, wanton, or oppressive behavior. See Chambers v. NASCO, Inc., 501 U.S. 32, 45-50 (1991); accord United States v. Kouri-Perez, 187 F.3d 1, 6-8 (1st Cir. 1999) (same); John's Insulation, Inc. v. L. Addison & Associates, Inc., 156 F.3d 101, 109 (1st Cir. 1998) (finding no abuse of discretion when district court, under inherent powers rather than Rule 41,

dismissed complaint and entered default judgment as a sanction for plaintiff's "protracted delay and repeated violation of court orders"); Alexander v. United States, 121 F.3d 312, 315-316 (7th Cir. 1997) (pursuant to court's inherent authority, sanctioning inmate \$500 on account of his repetitious, meritless litigation).

A district court has the power to enjoin litigants who abuse the court system by filing groundless and vexatious litigation. Elbery v. Louison, 201 F.3d 427 (1st Cir. 1999) (per curiam) (citing Cok v. Family Court of Rhode Island, 985 F.2d 32, 34 (1st Cir. 1993) for the proposition that "[f]ederal courts . . . possess discretionary powers to regulate the conduct of abusive litigants" and Castro v. United States, 775 F.2d 399, 408 (1st Cir. 1985) (per curiam) for the power to enjoin a party from filing "frivolous and vexatious lawsuits" pursuant to such authority).

For the reasons previously set forth, the imposition of sanctions in the future may be warranted pursuant to this Court's inherent authority as well.

Accordingly, Plaintiff is hereby warned that similar conduct in filing abusive, frivolous, or vexatious filings in this Court may result in the imposition of sanctions, including an order enjoining him from further filings in this Court.

CONCLUSION

Based on the foregoing, it is hereby ORDERED:

1. To the extent Plaintiff seeks to add Mr. Vincent LNU as a Defendant in Civil Action No. 05-10975-PBS, such request is

denied;

2. Civil Action No. 05-11790-PBS is dismissed in its entirety;
and
3. Plaintiff is advised that the filing of frivolous or vexatious
Complaints in the future may result in the imposition of
sanctions against him.

SO ORDERED.

Dated: September 6, 2005

/s/ Patti B. Saris

PATTI B. SARIS

UNITED STATES DISTRICT JUDGE